

AGENDA

Regular Meeting of

The South Jordan City
Planning Commission

For

April 27, 2010

City Council Chambers
South Jordan City Hall
1600 W. Towne Center Drive

6:30 P.M. – Regular Meeting

Cellular Phones and Pagers Must be Turned Off, or Set to Vibrate Only
Upon Entering the City Council Chambers

W. Kent Money, *Mayor*
Brian Butters, *Council Member*
Kathie L. Johnson, *Council Member*
Larry Short, *Council Member*
Aleta Taylor, *Council Member*
Leona Winger, *Council Member*
John H. Geilmann, *City Manager*



AGENDA
CITY OF SOUTH JORDAN
PLANNING COMMISSION MEETING

April 27, 2010

NOTICE IS HEREBY GIVEN THAT THE SOUTH JORDAN CITY PLANNING COMMISSION WILL HOLD ITS REGULAR MEETING ON TUESDAY, APRIL 27, 2010, IN THE CITY COUNCIL CHAMBERS, 1600 W. TOWNE CENTER DRIVE, SOUTH JORDAN, UTAH. PERSONS WITH DISABILITIES WHO MAY NEED ASSISTANCE SHOULD CONTACT THE PLANNING STAFF AT 254-3742 AT LEAST 24 HOURS PRIOR TO THIS MEETING. THE REGULAR MEETING WILL BEGIN AT 6:30 P.M. AND THE AGENDA WILL BE AS FOLLOWS:

6:30 P.M.

REGULAR MEETING

I. GENERAL BUSINESS

- A. Welcome and Roll Call
- B. Motion to Approve Agenda
- C. Approval of the Minutes from the Meeting held on April 7, 2010
- D. Approval of the Minutes from the Meeting held on April 13, 2010

II. INFORMATIONAL ITEMS AND OTHER BUSINESS

- A. Calendaring Items
- B. Comments from Planning Commission Members
- C. Staff Business
- D. New Business

III. PUBLIC HEARINGS AND POTENTIAL **ADMINISTRATIVE ACTION ITEMS

****Administrative Action = Less Discretion, Substantial Evidence (Objective Standard)**

- A.1. File #SUB-Amend-2010.15, Subdivision Amendment Amending Daybreak Plat 10A, located Southwest of Silver Mine Road and South Jordan Parkway, Kennecott Land Company (applicant).
- A.2. Potential Action Item – (See III. A.1.)
- B.1. File #SUB-2010.16, Preliminary Condominium Map for Daybreak Garden Park Condominiums, located at 11199 South Oakmond Road, Kennecott Land Company for Ivory Development (applicant).
- B.2. Potential Action Item – (See III. B.1.)

IV. PUBLIC HEARINGS AND POTENTIAL *LEGISLATIVE ACTION ITEMS

*Legislative Action = More Discretion, Reasonably Debatable (Subjective Standard)

- C.1. Ordinance No. 2010-09, Assignment of the Board of Adjustment/ Board of Appeals/ Land Use Appeal Authority duties for Title 17, Land Use Ordinance, to the City Council.
- C.2. Potential Action Item – (See V. C.1.)

V. OTHER BUSINESS

None

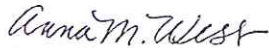
AJOURNMENT

CERTIFICATE OF POSTING

STATE OF UTAH)
 : §
COUNTY OF SALT LAKE)

I, Anna M. West, certify that I am the duly appointed City Recorder of South Jordan City, State of Utah, and that the foregoing Planning Commission Agenda was faxed or emailed to the media at least 24 hours prior to such meeting, specifically the Desert News, Salt Lake Tribune and the South Valley Journal. The Agenda was also posted at City Hall, on the City's website: www.sjc.utah.gov and on the Utah Public Notice Website <http://www.pmn.utah.gov>.

Dated this 22nd day of April, 2010.



Anna M. West, CMC
South Jordan City Recorder

**CITY OF SOUTH JORDAN
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS**

April 7, 2010

Present: Commissioner Linda Auger, Commissioner Clark Mabey, Commissioner Paul Pugmire, Commissioner Beverly Evans, Commissioner David Wood, City Planner Greg Schindler, Planner Brad Sanderson, Deputy City Engineer Jeremy Nielson, Assistant City Attorney Ryan Loose, Deputy City Recorder Cindy Valdez.

Others: Jack Polp, Marg Polp, Ervin Butterfield, Tiffinie McAfee, Rob McAfee, Gary Langston, Rulon Dutson, Bryon Prince, Kathleen Ursenbock, Brent Ursenbock, Greg Miller, Brett Rose, Steve Glezos, Glenn Pettit, Trent Jefferies, Chris Lange, Naomi Lange, Dustin Chaffin

6:30 P.M.

REGULAR MEETING

I. GENERAL BUSINESS

A. Welcome and Roll Call

Chairman David Wood opened the meeting and welcomed everyone present.

Commissioner Beverly Evans made a motion to approve the April 7, 2010 Amended Planning Commission Agenda putting item D. and item E. in the correct order on the Agenda. Commissioner Linda Auger seconded the motion. Motion passed unanimously in favor.

B. Approval of the Minutes from the Meeting held on March 9, 2010

Commissioner Clark Mabey made a motion to approve the March 9, 2010 meeting minutes. Commissioner Beverly Evans seconded the motion. Motion passed unanimous in favor.

II. INFORMATIONAL ITEMS AND OTHER BUSINESS

A. CALENDARING ITEMS

City Planner Greg Schindler reminded the Planning Commission Members that on the April 13th Planning Commission Meeting we will be approving the General Plan. You should be receiving a packet with updates in the next couple of days.

B. COMMENTS FROM PLANNING COMMISSION MEMBERS

None

C. STAFF BUSINESS.

None

D. NEW BUSINESS

None

III. CITIZEN COMMENT

None

IV. PUBLIC HEARINGS AND POTENTIAL **ADMINISTRATIVE ACTION ITEMS

****Administrative Action = Less Discretion, Substantial Evidence (Objective Standard)**

- A.1. File #SUB-Amend-2010.10, Subdivision Amendment, Amending Daybreak Plat 9, located between 4700 West and 4745 West Oyster Shell Road (10230 South) Ivory Homes, (applicant).

City Planner Greg Schindler reviewed all background information on this item.

Gary Langston 4700 Daybreak Parkway South Jordan, Utah 84095 – said I don't have anything more to add to what City Planner Greg Schindler has already reviewed, but I am here to answer any questions you may have for me.

Chairman David Wood opened the Public Hearing to comments. There were none. He closed the Public Hearing.

- A.2. Potential Action Item – (See IV. A.1)

Commissioner Linda Auger made a motion to approve File # SUB-Amend-2010.10, Subdivision Amendment, Amending Daybreak Plat 9, located between 4700 West and 4745 West Oyster Shell Road. Commissioner Clark Mabey seconded the motion. Roll Call Vote was unanimous in favor.

- B.1. File #SUB-2010.11, Preliminary Condominium Map Application for Daybreak Condominium Plat 315, generally located northwest of the intersection of Daybreak Parkway and Oakmond Road, Kennecott Land Company (applicant).

City Planner Greg Schindler reviewed all background information on this item.

Gary Langston, 4700 Daybreak Parkway South Jordan, Utah 84095- said I would like to point out that we have our site plan, and we have started construction. If it make sense to sell these units, we would like to do that, If not we will be leasing them.

Commissioner Paul Pugmire asked about a registry meter for the water. City Planner Greg Schindler said the water meter has been taken care of.

Mr. Langston said there will be one master meter.

Chairman David Wood opened the Public Hearing to comments. There were none. He closed the Public Hearing.

B.2. Potential Action Item – (See IV. B.1.)

Commissioner Paul Pugmire made a motion to approve File # SUB-2010.11, Preliminary Condominium Map Application for Daybreak Condominium Plat 315, generally located northwest of the intersection of Daybreak Parkway and Oakmond Road. Commissioner Linda Auger seconded the motion. Roll Call Vote was unanimous in favor.

C.1. File #SUB-2010.12, Preliminary Plat for Daybreak VC-1 Multi Family #2 Subdivision, located southwest of the intersection of Daybreak Parkway and Oakmond Road, Kennecott Land Company (applicant).

City Planner Greg Schindler reviewed all background information on this item.

Gary Langston, 4700 Daybreak Parkway South Jordan, Utah 84095 – said I do not have anything more to add, but I am here to answer any questions you may have for me.

Commissioner Clark Mabey asked if there are any existing alleys. City Planner Greg Schindler said alley 9 is an existing alley, the rest are considered lanes.

Mr. Langston said we held a neighborhood Open House and three people showed. The comments we received were good. Many of the comments were concerning the type of materials being used on this neighborhood.

Commissioner David Wood opened the Public Hearing to comments. There were none. He closed the Public Hearing.

C.2. Potential Action Item – (See IV. C.1.)

Commissioner Beyerly Evans made a motion to approve File#SUB-2010.12,Preliminary Plat for Daybreak VC-1 Multi Family #2 Subdivision, located southwest of the intersection of Daybreak Parkway and Oakmond Road. Commissioner Clark Mabey seconded the motion. Roll Call Vote was unanimous in favor.

D.1. File #CUP-2010.07, Conditional Use Permit Application proposing to amend the front yard setback and architectural standards of the RM Zone for South

Jordan High Pointe Phase I, generally located at 10700 South along 4000 West, Steve Glezos, (applicant).

Planner Brad Sanderson reviewed all background information on this item.

Glen Pettit, 2264 Williamsburg Circle West Jordan, Utah 84088 – said we are trying to make a new style change in order to sell a 2010 house. This is going to be a cost upgrade for us, but we need to make a change to compete with the houses that have already been built previously.

Planner Brad Sanderson said I just built my own home. I did a lot of comparison pricing and there should be no difference between the pricing on hardy and plank, the pricing should be about the same.

Mr. Pettit said the reason for the upgrade cost is we did not just do the fronts, we used it 100% on the façade of the house.

Planner Brad Sanderson said it is quantity you are talking about. I am talking about your company meeting the minimum requirements.

Commissioner Linda Auger said I have been in this neighborhood and lots of the homes have stone. I do not know what these homes are selling for, but your saying it is costing more for a new home than it is for one of the original homes.

Mr. Pettit said a lot of the homes that were built in 2004 to 2006 have been repossessed and are now selling for about \$220,000.

Commissioner Auger said I know at one time those homes were going for about \$400,000.

Mr. Pettit said I don't think I can build the same home. We need a new style, because there are a lot of empty homes that have been repossessed and are selling at a lower price point.

Commissioner Wood opened the Public Hearing to comments.

Tiffany McAfee, 10941 S. Dune Grass Dr. South Jordan, Utah 84095 – said Mr. Pettit is saying that it is not cost effective to use stone and stucco because of the pricing of other homes. That is a risk that you took when you purchased land in that area. We have people knocking on our doors saying they want the neighborhood to keep the standard that is already here. They are saying they cannot build a new home unless they use hardy and plank. I don't think there should be a problem using stone, stucco, and earth tones. We have all taken a hit with the economy.

Brett Rosen, 10937 Dune Grass Drive South Jordan, Utah 84095 – said when we purchased a home in this area, we purchased in a PUD for a reason. We looked for a home in a lot of other locations, but we liked the look of this location. Since we have moved in, it has been a catastrophe. When the other homes were sold, the architectural design was changed. We do not want our neighborhood to look like a different phase. We would like the City to protect the current home owners. The new houses are starting to look like a home in Daybreak, and we are not Daybreak.

Dustin Chaffin, 3921 Sand Lake Drive – said I was one of the first buyers in this neighborhood. I remember when many of the homes were selling for between \$400,000.00 and \$800,000.00. That is the caliber of these homes, they are not starter homes. I am strongly against this development. I do not understand why they think they need to change the design of the new homes.

Rob McAfee, 10941 S. Dune Grass Drive South Jordan Utah 84095 – said I would like it to be on the record that I agree with everything that has been said by my neighbors.

Trent Jefferies, 3987 W Oregon Dune Ct. South Jordan Utah 84095 – said I also agree with everything that has been said by all of the people that live in the neighborhood. My family and I are against them changing the standard for our neighborhood.

Naomi Lange, 3952 W. Oregon Dune Ct. South Jordan, Utah 84095 – said I share the same opinion as my neighbors. I think this change will decline the value of our homes. I could have bought a home in Daybreak, but I did not want to live in Daybreak and that is what these homes look like, something that belongs in Daybreak. Paradigm Homes has sold some of the homes that look like ours, they have not sold any.

Chris Lange, 3952 W. Oregon Dune Ct. South Jordan, Utah 84095- said I second everything that has been said. My wife said it correctly these homes look like they belong in Daybreak. If we wanted to build in Daybreak we would have. We like the look, color and stone of our homes. I am here tonight to ask the Commission for a denial.

Lane Lewis, South Jordan, Utah – said I am the newest resident to the High Pointe Community. We spent 9 months looking for a home. We chose our home because of the colors and the standard of the neighborhood. That was the appeal we were looking for when we purchased our home. I also want to say, my home is on a small lot and I still have a third car garage.

Mr. Rosen said I would like to know what the CC&R's state. Assistant Attorney Ryan Loose said CC&R's are private, and the City will not enforce them.

Chairman David Wood closed the Public Hearing.

Mr. Glezos said if the color scheme is going to be an issue, we can consider changing it. There are 8 people here tonight representing 25 homes. I hope you will take into consideration there are 75 % of the residents that have not shown tonight and are probably okay with the changes.

Commissioner Linda Auger said just because there are only 8 people here tonight does not mean the rest of the residents are happy with the changes.

Commissioner Clark Mabey said I like colorful houses, so I would build a home like this because I like the look of the home. But if you buy a home in a neighborhood that already has a standard, I think it should stay like what they have bought into.

Commissioner Beverly Evans said I think making a change to this neighborhood would be inappropriate.

Commissioner Paul Pugmire said the change was made when the neighborhood was already half built, but I don't think the requirements meet the ordinance.

D.2. Potential Action Item – (See IV. E.1.)

Chairman Linda Auger made a motion to deny File # CUP-2010.07 Conditional Use Permit Application proposing to Amend the front yard setback and architectural standards of the RM Zone for South Jordan High Pointe Phase 1. Commissioner Paul Pugmire seconded the motion. Roll Call Vote was unanimous.

V. PUBLIC HEARINGS AND POTENTIAL *LEGISLATIVE ACTION ITEMS

***Legislative Action = More Discretion, Reasonably Debatable (Subjective Standard)**

- E.1. File #LUA-2010.01, Proposal to Amend the City's Future Land Use Map on approximately 5.21 acres of property from low density to medium density and File #REZ-2010.01 Proposal to rezone the same 5.21 acres of property from R-2.5, to R-3 Single Family Residential, generally located at 1284 West, along 10550 South. Matt Malouf (applicant).

Planner Brad Sanderson reviewed all background information on this item.

Commissioner Linda Auger said the staff report refers to PUD standards, I thought the City was trying to get away from PUD's.

Planner Brad Sanderson said they are actually going to do a development agreement to modify the standards in the zone, which is similar to what a PUD would do.

Commissioner Auger said I think people are sick of living in PUD's. I would hate to see people start moving out of South Jordan because they are surrounded by them.

Commissioner Paul Pugmire asked why this application was not addressed in the General Plan.

Planner Brad Sanderson said the reason we did not wait and address this at the General Plan, is because the applicant was on a time limit due to a banking issue, so we didn't want until the General Plan was adopted.

Chris Aimes, 5263 Commerce Drive – said we are excited about this project and we can't wait to get it started. I understand there are some concerns about the PUD. In my conversations with Planner Brad Sanderson, it is my understanding that if we change to an R-3 zone we would not need to have a PUD. We would have liked to have waited until the General Plan was adopted on this, but we are on a time limit due to banking issues, that is why we needed to do it now.

Chairman David Wood opened the Public Hearing to comments.

Ervin Butterfield, 1256 W 10550 S. South Jordan, Utah 84095 – said I live next to this area you are talking about, and I have a few things that concern me. One is the irrigation water to my property. The second thing is the trees affecting the power to my house. Every time we have a windstorm I have a problem with my power. The third thing is I would like to know if they are

considering putting a fence around my property. I have lived here all of my life and I have no plans of moving and I am concerned about these three things.

Jeff Tingey, 10550 S 1300 W South Jordan, Utah 84095- said I am in favor of this being changed to an R3 Zone. I would be interested in selling my property, so I would like to get my property rezoned to R3.

Kevin, 10488 Royalty Cove South Jordan, Utah – said I am also in favor of this being change to an R-3 Zone. I have lived at my residence for 8 years and I am tired of seeing all of the weeds. I would like to thank the staff at South Jordan City for the great job they have done in keeping up the standards for our neighborhoods.

Chairman David Wood closed the Public Hearing.

E.2. Potential Action Item – (See IV. F.1.)

Commissioner Paul Pugmire motioned to approve **File # LUA 2010-01 Proposal to amend the City's Future Land Use Map on Approximately 5.21 acres of Property from low density to medium density and File No. REZ-2010.01 proposal to rezone the same 5.21 Acres of Property from R-2.5, to R-3 Single Family Residential, generally located at 1284 West along 10550 South. Commissioner Beverly Evans** seconded the motion. Roll Call Vote was unanimous in favor.

F.1. An Ordinance Amending Section 17.52.020 of the Zoning Ordinance to allow freestanding banking kiosk with automated tellers within the Commercial Community Zone, Gregory Miller, (applicant).

Planner Brad Sanderson reviewed background information on this item.

Chairman Wood said we have had previous discussions regarding putting kiosk's at the District. The retailers seem to be in favor of them, because it is a different venue that draws people in and adds business to the existing retailer's.

Planner Brad Sanderson said staff is recommending denial of this application. The Zoning Code allows for freestanding kiosks, along with many other similar uses, to be located within the C-C Zone as long as they are conducted within completely enclosed buildings, (see section 17.52.040 Letter B). Additionally, accessory uses may be conducted within the C-C Zone, but only in conjunction with allowed permitted and conditional uses, (see Section 17.52.040 letter C).

Commissioner Auger asked Planner Brad Sanderson, if Key Bank went to Roberts and asked if they could put an ATM in front of their store, what is your concern?

Planner Brad Sanderson said the main concern would be that it is considered and accessory use.

City Planner Greg Schindler said if Key Bank wants to put in an ATM, they could put it inside the store, or on the side of the building.

Gregory Miller, 2435 West Coast Highway (Applicant) – said we have 20 locations that have been selected as a test market in the greater Salt Lake area. This location is one of the location's that has been selected to put an ATM. The daily traffic that will use this ATM will be about 50 cars per day. We will have 2 designated parking stalls, but the entire parking lot has 542 stall. Having an ATM in this location will be a draw for the local retailers that share this parking lot. When they use the ATM, they may decide to stop and do their shopping at the same time. We have spoke with the management at the Harmon's Grocery Store and they have given us their go ahead to put this in.

Chairman David Wood opened the Public Hearing to comments.

Rich Robbins, 6550 Middle Ridge Road – said I respectfully disagree, I think you are attacking the free enterprise system. In this area there are 3 Credit Unions and 2 Banks, this will just be another avenue to service the community. I also think this will be another avenue to help build the City's income.

Chairman David Wood closed the Public Hearing.

Commissioner Linda Auger said normally I agree with the City, but I don't think this will have the negative affect that has been presented by staff. With all do respect to the City, I think this should be approved.

Commissioner Paul Pugmire said I am intrigued with this experiment. The only concern I have is, if it fails, will we be left with an empty building in the parking lot. But I still think this is intriguing and appropriate for this location. There is the issue of whether the accessory use meets the requirements, and that probably needs to be looked at, but my recommendation would be to have this allowed.

Commissioner Beverly Evans said I think we need some legal clarification on some things.

Commissioner Clark Mabey said the way I see it, there have been a couple of issues brought up such as parking and competition. I personally don't think competition or parking is going to be an issue, I think the real issue is going to be our ordinance. It does not allow for a free standing kiosk. I don't think I have any heartburn over whether this is appropriate or not, but there is going to be some challenges with the ordinance.

F.2. Potential Action Item – (See IV. D.1.)

Commissioner Evans motioned to table this item and bring it back to the Planning Commission with changes on May 11th. **Commissioner Linda Auger** seconded the motion. **Roll Call Vote** was unanimous in favor.

VI. OTHER BUSINESS

None

ADJOURNMENT

Commissioner Auger made a motion to adjourn. Commissioner Pugmire seconded the motion. Vote was unanimous in favor.

The April 7, 2010 Planning Commission meeting adjourned at 9:15 p.m.

Meeting minutes were prepared by Deputy City Recorder Cindy Valdez.

DRAFT

SOUTH JORDAN CITY
PLANNING COMMISSION MEETING

April 13, 2010

Present: Chairman David Wood, Commissioner Beverly Evans, Commissioner Clark Mabey, Commissioner Paul Pugmire, Community Development Director George Shaw, Assistant City Attorney Ryan Loose, Secretary MaryAnn Dean

Others: Thom Geilmann, Max A. Young, Jean Perschon, Bob Perschon, LaVar Harline, LaRoyce Fisher, Kelly Davies, Normon Frantz, Grace Holt, Don Hold, Lorene Thompson, Rex Holt, Donna Holt, Susan Rugg, Roger Rugg, Gloria B. Larsen, Debbie Wood, Ryan Holt, Susan Egbert, LaMar A. Mabey, Kim Burgon, Kelly Burgon, Bruce Cowdell, Rulon Dutson, David W. Gillen, Mike Horrocks, Dwayne Woolley, Kely and Howard Rowly, Thomas C. Davis (Petersen)

6:30 P.M.

REGULAR MEETING

I. GENERAL BUSINESS

A. Welcome and Roll Call

Chairman Wood welcomed everyone present. He noted that Commissioner Auger will not be present at the meeting, and Commissioner Pugmire will be arriving late. All other Commissioners were present. He reviewed the rules of order for the meeting.

B. Motion to Approve Agenda

Commissioner Mabey made a motion to approve the Planning Commission agenda, as printed. Commissioner Evans seconded the motion. The vote was unanimous in favor, with Commissioners Auger and Pugmire absent.

II. INFROMATIONAL ITEMS AND OTHER BUSINESS

A. Calendaring Items

None.

B. Comments from Planning Commission Members

None.

C. Staff Business

Community Development Director Shaw said the Planning Commission has been provided with a copy of the proposed Ordinance regarding accessory units. He asked that the Planning Commission review the Ordinance and provide feedback to staff. He said it is going to a first reading to the City Council on May 4th. Based on the input received, the issue will be brought back to the Planning Commission for a public hearing and adoption.

D. New Business

None.

III. CITIZEN COMMENT

This item was not done.

IV. PUBLIC HEARINGS AND POTENTIAL ADMINISTRATIVE ACTION ITEMS

None.

V. PUBLIC HEARINGS AND POTENTIAL LEGISLATIVE ACTION ITEMS

A.1. File #LUA – 2010.02, Adoption of the South Jordan City General Plan, Resolution #2010-17, Community Development Staff, (applicant)

Community Development Director Shaw reviewed a presentation on the General Plan (Attachment A).

Commissioner Pugmire arrived at this point in the meeting.

Community Development Director Shaw noted that there were a couple of parks that need to be re-designated on the future land use map. He said the finance staff has taken the land use map and put numbers so they have a better indication of the impact of this plan. He said there are a couple of areas proposed for major change. By intensifying those areas, it will help subsidize the single family residential areas. He said if the city develops the way it is envisioned, they won't have to raise taxes and will still be able to provide services in the city. He said staff is recommending that the Planning Commission take comments and recommend approval, or approval with recommendations to the City Council on this issue.

Commissioner Mabey asked about the ratio of acres of park land per thousand residents? He said he has seen two different numbers, one was .75 acres of park land per thousand residents, and at an open house he read 3.5 acres per thousand residents. Director Shaw said he is not aware of the change to 3.5 acres per thousand residents. He said the number came from the Parks and Recreation Department. He said that needs to be clarified.

Commissioner Mabey said similarly, he read that the community park ratio established was 3.0. He said he has also read that the number should be 3.5. Director Shaw said staff would clarify which number is correct.

Chairman Wood reiterated that the Planning Commission makes recommendations to the City Council on this issue.

Chairman Wood opened the public hearing.

Bob Perschon, 1934 Lawrence Cir., said their piece of property is 25 acres, kiddy corner to Merit Medical. He said that location is not conducive to large lots. He said there is a lack of demand for large lots. He said he has 7 kids, 3 dozen grand kids, and as many great grand kids. He said he wants to see them live in South Jordan and not have to move away. He said he has lived in South Jordan almost 60 years; he has seen how it has changed over the years. He said there are many baby boomers and older homeowners that want to downsize to a smaller home and lot. He said many potential homeowners cannot afford a large lot and home. He said they need to develop for the new market place. People do not want large lots due to time, cost, and maintenance. He said it is not the lot size, but rather the development standards that ensure a nice subdivision. He said larger lots are difficult for the aging population to maintain. He said they need to meet the needs of present and future generations. There is already an overabundance of large lots available. He said it is their desire to have their legacy used for housing and retail for multiple uses, for younger and older individuals. They would like retail development that would compliment the housing. That would be achieved through the valley mixed use designation. He said he wants to stay in South Jordan and have his family stay with him.

Jean Perschon, 1207 W. Quiet Acres Cove, said she loves South Jordan. She said her parents grew up in the depression and invested in property. It has been a great thing for them; they have sacrificed a lot. She said she grew up in South Jordan. She feels the master plan expresses their views of the city. Staff has done a tremendous job with the plan. She said their family feels that the current designation of low density is not appropriate for their property, mostly due to the location of their property. She said there are large lots still available in other areas. They feel that the village mixed use gives them the ability to compliment the adjoining subdivision of large lots. She said it would allow them to address the needs of the surrounding properties. She said their location is unique. They feel that the village mixed use designation would allow them the flexibility to address the needs of everyone.

John Gust, 126 Sego Lily Drive, (Sandy), said the new master plan has designated the Hidden Village area (103rd South 1300 West) in the historic zone. He echoed Mr. Perschon's comments regarding lot size. He said they have done many developments in the City and have a great relationship with the city. He said they have been asked to see if they could add more park land and more parking in the development. He said they are willing to accommodate that. He said the area that they are in is surrounded by commercial, office and RM-6. He said the area that they are talking about, they would like a designation of 3.4 units per acre. He said it is tough to support the historic zone if

they do not know what will be in that. He said their view has been blocked to the east due to recent development. He said they have not platted their property yet, with the downturn of the economy.

Chairman Wood asked that Mr. Gust continue his dialog with staff on this issue.

Unise Groves, 11400 South 1300 West (southwest corner), said they are concerned about how their property is now designated for mixed use and office space. She said they want it as commercial, at least on the front. She said they have held the property for years; it is prime property now. She said it would be the perfect location for many things like retail, a service station, etc. She said it is a 13 acre parcel.

Commissioner Pugmire asked how much property fronts 11400 South? Ms. Groves said she is unsure; the short end of their property is on 1300 West, the long part goes over the canal.

James Fisher, 10601 S. 1300 W. representing his mother LaRoyce Fisher. He said they would like to subdivide the property and use the land to the south. He said their property is zoned R-2 and requires a huge frontage. He said they want to have the same consideration as all of their neighbors. He said their lot is currently 158 ft. wide. He said they would like to have it zoned R-3; even with that, a variance would be needed because of the frontage.

Chairman Wood said he feels this is a discussable matter. Commissioner Pugmire asked if Mr. Fisher has submitted an application to divide the land? Mr. Fisher said they were told to wait to see what consideration would be made for a rezone as part of this process, and then start the process with the city.

Rex Holt, 10291 S. 1230 W., said he lives on the east side of the Hidden Village development. He said this past week, they were given a plot plan put together by the Arbor Company. The proposal doubled the number of homes that would front the residents on 1230 West. He said 3 years ago, the property was approved with 37 homes. A year ago, a proposal was made to increase that number to over 100 homes. Now, they are proposing 57 homes. He said for the people on 1230 West, they had 12 homes on the original plan. Now that has grown to 25 homes abutting their street; that is a density of 5 homes per acre. He said they are concerned about that. He asked that the Planning Commission remember this when the application comes before them. He said they have given the Planning Commission a letter indicating how they feel and what they would like done. He said they would like to stay with the original agreement. He said one thing that has triggered the proposed change is the historical concept including a 5 acre piece of property by Mabey Lane. He said they are concerned because of the density, streets, and the traffic involved in that project.

Normon "Bud" Frantz, 11400 S. 1617 W., said their property has always been considered commercial. He said the neighboring properties are commercial as well. He said according to the UDOT representative, after the road is finished, their property will

be worth more because it will be commercial. He said they want to get all of the money that they can out of it. He said their desire is to sell their property and move.

Kelly Davies, 1511 W. 11400 S., said he shares the concerns of his neighbors. He said they feel with 11400 South, their property is better commercial. They don't understand the high density housing; he does not think anyone would want to live next to 11400 South. He said the property was originally office or commercial and they would like to keep it that way.

Susan Egbert, 2700 W. 11323 S., asked about an 8 acre property on 11400 South 2700 West. She said it is proposed to be village commercial on the corner, and village mixed use for the remainder of the property. She said she wonders if the proposal would limit a development because of the two different uses. Would it be better if it is all mixed use?

Community Development Director Shaw said there are similar development standards, and it probably doesn't matter either way. He said it is market driven. The corner will likely be used for commercial anyway. He said he feels this proposal actually gives them more flexibility.

Michael Horrocks, 2963 W. Current Creek Drive (11670 South), reviewed a presentation to build a rowing center on the Jordan River (Attachment B).

Chairman Wood suggested that Mr. Horrocks meet with staff on this issue. Commissioner Evans referred Mr. Horrocks to the outdoor recreation specialist in the Governor's office of Economic Development.

Ryan Holt, 1237 Jordan River Drive (11050 S.), said the city should maintain and even enlarge the historic district. He said he was recently in Paris, France. He said he participated in reviewing some French history. He noted how many times the regime had changed, but it was the will of the people to restore and maintain the identity of their ancestry. He said it is the same thing in the City's historic district. He said they have an opportunity to maintain the 3-4 places in the City that are left. He said it is important to maintain their history. He reviewed a situation in Riverton regarding the old Crane home. He said they lost the home all in the sake of having a few shopping centers and higher densities. He said they should look at the area and maintain the dignity of the historic area. He said they also need setbacks and an atmosphere around the older homes. He said their family and the bulk of the neighborhood have agreed with the historic preservation of the area. He said they need to review the zoning for Mr. Gust's property. He said they need to maintain the atmosphere, and not turn it into an apartment complex or an area of multiple housing that would detract from the very area that they are trying to protect.

Thomas Geilmann, 10284 S. Temple Vista Lane, complimented the City on past planning practices. He said they have addressed issues of growth that has been a major concern to the City. They have found a good compliment of compromise. He moved to South Jordan from Ohio 4 years ago. He selected South Jordan because it was an up and coming community. He said it offers a lot from a commercial and residential standpoint,

and quality of life. He said his expectations have been met. He said they should address the impact that the plan will have with traffic and emissions. At some point, a standard will be set at a city, state or federal level regarding emissions and that standard will need to be met. He said he is not sure how the plan affects resources such as water and municipal services. He said they need to be educated on the impacts that the plan provides as they get closer to the implementation of this plan.

Community Development Director Shaw said the plan does go into more detail. He said they share Mr. Geilmann's concerns. He said with more intensity, there will be issues with traffic and air quality. He said that is one reason they have multi mobile options, so people can get around without being forced to drive a car. He noted that the general plan is a guideline only. He explained that zoning is the implementation tool when development is ready to occur. The zoning defines each property. It is also dependent on economics and market factors on how the property actually develops.

LaVar Harline, 1207 W. Quiet Acres Cove (10950 S.), said he is the son in law to Bob Perschon. He said the family is trying to change the city's mind and rezone or re-plan the designation for the Perschon 25 acres. He said the 6 acres of property that is currently adjacent to Redwood Road is currently commercial and is about to change to vmu (valley mixed use). He said they are concerned about the back 18 acres. Right now, it is zoned R-2.5 (1/3 acre lots). He said they entered into an agreement with a developer in 2006 but there was no financing available for 1/3 acre lots. He said that certainly will not happen now. He said they are trying to do what is best for the community. He said there are many 1/3, 1/4, and 1/2 acre lots available in the area. He said South Jordan has open space, few apartments, and great facilities. He said they need to keep that, but there are many unsold larger lots in South Jordan. He said the 1/3 acre lots are unsellable. The property will sit unused for years. He said they propose to change this to a mixed use designation for the betterment of the community. He said young families cannot afford to live here. He said the process starts tonight. They are dealing with people's lives. This is not just an investment for Bob Perschon; he has the right to see that the property is developed in a fair manner. He said their family is not just trying to increase their net worth and financial gain, they are trying to do what is right for the community.

Kim Burgon, 10201 S. 1300 W., said he does not like that they do a master plan, approve it, and then the developers amend and change the zones. He said it goes on every month. He said it all comes down to density. When they look at the area by his house, it is said to be 3.0. Is that the maximum? Is there not going to be an incentive for more density? Community Development Director Shaw said with that designation, 3 is the maximum density. He said tonight, they are trying to determine the needs of the city in 2010. He said property owners have the right to petition the city to make changes in their zoning. He said right now, the top density is 3 units per acre, unless there is a change in the future. Mr. Burgon asked if they can keep the plan in effect for a 5 year timeframe or keep it whole for some time. Director Shaw said some communities do that, or they open a window of time every year for amendments.

Chris Drent, 126 W. Sego Lilly Dr., said he represents Arbor Development and the Hidden Village property. He said they are trying to preserve some history with the Hidden Village development. He said the City has asked them to increase the size of the park and parking around the house, and to increase the size of the roads. He said the larger lots are not selling right now. He said you can get quality without large lots. He said they just need to know more about the historic zone.

Jake Warner, 4113 Oak Clair Drive, member of the planning staff, addressed the park and recreation standards in the plan. He said the National Recreation and Park Association (NRPA) has developed standards on parks. He said the master plan calls the standards obsolete because they only consider quantity of parks; their plan considers quality and distribution as well. They have used the NRPA standard as a foundation to add upon. Specifically, they have focused on access. Placing a 25 acre park in developed areas would be difficult. He said the trail master plan is an important part of the master plan. He said those trails will link up residents with parks. He discussed the environmental element to the plan. He said they tried to consider balance and stewardship into all elements of the general plan.

Commissioner Mabey asked is the park land ratio .75 or 3.5 acres per thousand residents? Mr. Warner indicated that the .75 and the 3.0 figures are in line with the NRPA standards and that is what is in the general plan.

Jean Gillen, 2235 W. Bonanza Way, said they are in favor of allowing small animals on 1/3 acre lots. She said they are older and disabled. The small animals help them be able to afford the 1/3 acre lot. She said because of the economy, this would help them support themselves and their needs as far as food is concerned. She said she does not want anything larger than a rabbit or a chicken. She said it won't bother people around them. She is very much in favor of that change.

Chairman Wood closed the public hearing.

A.2. Potential Action Item – (See V. A.1.)

Commissioner Evans said she feels they need more clear definition on the historic area. Community Development Director Shaw said the City has had the current historic designation for many years, but they have expanded it. He said the historic designation has never been placed on the map anywhere. He said it is unclear as to what type of development could happen on that property. He said the Planning Commission can make a recommendation to the City Council regarding that zone. They are not going to rewrite the zone at this time. They are looking at the big picture at this time. He said they will also address the chicken ordinance at a later time and solve that issue.

Commissioner Pugmire said he is excited about the historic zone. He said he feels having a well crafted historic zone will set South Jordan apart. He said it is not a task for tonight. He feels it is vital. He said it is really important work to do.

Commissioner Mabey said in regard to the Arbor parcel, they have the land use designation and zoning. If it is recommended that the property be in the historic district, it will not take away any of their current rights and not change any of their current uses. If they want a change from what they have now, the developers would have to be in compliance with the new historic district. Director Shaw concurred.

Commissioner Pugmire asked for more detail on the zoning surrounding Redwood Road and 9800 South and what borders the back of the Perschon property.

Commissioner Mabey said there was a proposal at one time to make the property RM-4. He said at that time, the zoning change would have allowed townhomes, etc. He said that was not the Perschon's intent, but they backed off that proposal. He said if the city changes the land use and zone, the developer can do anything allowed with that zone. He said there have been many proposals discussed from higher density, commercial, mixed use, etc. He said until someone says what they are trying to do on this property, he has felt a hesitance by staff and previous commissioners to make a change before they know what is being proposed for the property. He said he has not heard anyone say that they are not in favor of a higher density housing on the Perschon parcel. He has heard people say that until they know what the proposal is, they don't want to change the rights on the property. He said if they change the land use, the Perschon's will come forward with a proposal and it would have to be changed again. He said he has never heard anyone say that it will stay 1/3 acre and never change. He said at the last steering committee meeting, the decision was made to leave the property as is until they come up with a plan or a buyer. Director Shaw concurred. He said on some of the "hot spots", the steering committee felt that more notice and public input was needed from adjoining property owners before they proceed with that magnitude of change. He said they felt that they need a public hearing on some parcels with more detail and more public input.

It was noted that Commissioner Mabey lives in the adjoining neighborhood to the Perschon property, on a 1/3 acre parcel. Commissioner Pugmire said he does not like making changes to a general plan for a specific proposal.

Commissioner Wood said the current economic environment is such that they have to look at issues differently now than in the past. They have to consider alternatives now that would have been distasteful in the past. They have to be more flexible, but with wisdom. He said they use a collaborative approach with staff, the Planning Commission, and the City Council.

Director Shaw showed the Perschon property on a map, as well as surrounding properties. He said staff is comfortable with the village mixed use. He said that zone will have some buffers. He said there could be something else done closer to Redwood Road and 9800 South. He said it does not include the rural piece of property.

Commissioner Mabey said some feel that the village mixed use (vmu) is a downgrade from commercial. Director Shaw said the difference is flexibility. He said it allows the developer to come up with a plan. Instead of having pods of developments, they are

interconnected with village shops and residential uses. He said the advantage to the property owner is that the developer can propose something that meets the market. He said it requires a higher value of design. It has to be walkable and interconnected. It can't look like other strip developments in the valley. He said it has been used successfully across the country.

Director Shaw showed the area along 11400 South, from Redwood Road to 2700 West on a map. He said there has been some indication that the owner of the northeast corner of Redwood Road and 11400 South would like to be vmu, rather than commercial. He said the desire of the committee was to see more commercial on that corner. Chairman Wood said they don't sacrifice anything by going to vmu over commercial. They gain flexibility and they don't lose commercial. Director Shaw said they can react to the market with the vmu zone, but it has to be high quality. He noted that they are competing with other communities.

Commissioner Wood said he would like three changes to the Resolution. First, he would like expanded dialog about the historic zone so it is more clear, and the intent of the City and the zone are more clear. He said he would also like to make the corner of Redwood Road and 11400 South mixed use at this time. He said he is also in favor of subdividing the property for Mr. Fisher and his mother. He said the rest of the plan provides flexibility to move forward on the next phase.

Commissioner Mabey asked about James Fisher's property. Director Shaw said some of the properties don't match the underlying zone. In Mr. Fisher's case, there are adjacent areas zoned a different density, but are similar to Mr. Fisher's property. The way the land use map is shown, it would preclude Mr. Fisher from rezoning his property to have a similar density or lot size that his neighbors have. Director Shaw said they would want to take the rural residential off the map. He said the lot size and split is no different than any other property in his neighborhood. He said there is no impact to the City.

Commissioner Evans said she wonders if it would be more appropriate to make the change to Mr. Fisher's property at the next meeting. She said the general plan is an overview. She does not want to cloud the process. She feels the actual change is acceptable. Commissioner Pugmire concurred. He said the change makes sense, but it feels out of place as part of this process.

Commissioner Mabey said where they have found certain proposed changes in the land uses that are incorrect, should those be brought out specifically? Director Shaw said yes. He said there are some parks and schools that need to be designated properly. Additionally, there is a parcel on 114th and Redwood Road that is already developed as commercial but it designated as rural residential.

Commissioner Mabey reviewed 5 oversights to the land designations. Jordan Ridge Elementary should stay as public; Jordan Ridge Park should stay open space, South Jordan Elementary should stay as public; Lucas Dell Park should stay as open space; another park on the west side of the Welby Canal should stay as open space.

The Planning Commission discussed the Historic District. Commissioner Pugmire said there are a lot of things to be considered and clarified with regards to that district, but not in context with this document. Commissioner Evans suggested that they propose that the historical district be discussed as a future study item.

Commissioner Pugmire made a motion to amend the draft general plan to take the commercial designation on the northeast corner of 11400 South and Redwood Road and make it village mixed use. Commissioner Evans seconded the motion. The vote was unanimous in favor.

Commissioner Mabey made a motion to amend the draft general plan to change Jordan Ridge Elementary to public, Jordan Ridge Park to open space, South Jordan Elementary to public, Lucas Dell Park to open space, and the park on the west side of the Welby Jacob canal at approximately 11600 South designated as open space. Commissioner Pugmire seconded the motion. The vote was unanimous in favor.

Commissioner Evans made a motion to discuss the historical zone as a future study item. Commissioner Pugmire seconded the motion.

Commissioner Evans said it allows staff, the City Council, and the Planning Commission to try to define what they have in mind for this zone. It could be general, but they need some guidelines. It is very open ended at this time. She said they would have to bring it back through the process. They could have it as a public hearing at a future meeting.

The vote was unanimous in favor.

Chairman Wood said regarding Mr. Fisher's item, they may need to table that at this time as it may affect other property owners. He said it is clearly doable and he does not have a problem making that fix. He feels this should come back as a separate item, and not with the general plan. Commissioner Mabey said they could change the land use now, but if Mr. Fisher wants to change the zoning in the future, that issue would come back.

Commissioner Mabey made a motion to change Mr. Fisher's land use at 10601 S. 1300 W. to be the same as those neighboring on both sides of him to low density. Commissioner Pugmire seconded the motion. The vote was unanimous in favor.

Chairman Wood said the amendments that have been made to the general plan are expedient and relatively simple. They have not addressed the more complicated parcels and involved issues beyond the scope tonight. It does not mean those issues go away. They can be addressed in a forum that will be more specific to the intended use of the land when a specific use is presented rather than a general re-designation where they may not be able to see the future use of the designation.

Commissioner Mabey made a motion to change the land use for the parcel on the southwest corner of 11400 South Redwood Road, where the veterinary clinic is located, to vmu. Council Member Evans seconded the motion. The vote was unanimous in favor.

Commissioner Evans made a motion to forward a recommendation of approval to the City Council for Resolution R2010-17, with the amendments that have been made. Commissioner Pugmire seconded the motion. Roll call vote. The vote was unanimous in favor.

VI. OTHER BUSINESS

None.

Director Shaw said this is the first step. There will be at least one public hearing with the City Council, on either May 4th or May 18th. One or both meetings will be public hearings by the City Council. At one of those meetings, the City Council will make a final decision regarding the adoption of the plan.

ADJOURNMENT

Commissioner Pugmire made a motion to adjourn. Commissioner Evans seconded the motion. The vote was unanimous in favor.

The April 13, 2010 Planning Commission meeting adjourned at 9:08 p.m.

Meeting minutes prepared by Secretary MaryAnn Dean.

SOUTH JORDAN CITY PLANNING COMMISSION REPORT Meeting Date: 04/27/10

Issue: PUBLIC HEARING, FILE NO. SUB AMEND-2010.15, SUBDIVISION AMENDMENT AMENDING DAYBREAK PLAT 10A, LOCATED SOUTHWEST OF SILVER MINE ROAD AND SOUTH JORDAN PARKWAY, ZONED PC, KENNECOTT LAND COMPANY.

Submitted By: Greg Schindler, City Planner
Chris Clinger, Associate Engineer

Staff Recommendation (Motion Ready): Approve File No. SUB AMEND-2010.15 with the following:

1. That all South Jordan City requirements are met prior to recording the amendment.
-

BACKGROUND

ADDRESS	Southwest of South Jordan Parkway (10405 S.) and Silver Mine Road (4790 W.)
ACREAGE	10.625 acres
CURRENT LU DESIGNATION	Large Scale Master Planned Community
CURRENT ZONING	P-C
CURRENT USE	Vacant
NEIGHBORING LU DESIGNATIONS, (ZONING)/USES	North - Large Scale Master Planned Community (P-C)/Vacant and Future Daybreak Plat 9 Residential Development South - Large Scale Master Planned Community (P-C)/Vacant East - Large Scale Master Planned Community (P-C)/Vacant and Future North Shore Village Center West - Large Scale Master Planned Community (P-C)/Vacant

Kennecott Land is proposing to amend the Daybreak Plat 10A subdivision by dividing lots 142, 149 and 150 into three lots each to accommodate additional dwelling units. The reason for creating additional lots that front the lanes is that the Carriage Home units that would be constructed on these lots will fill in gaps in the lane. Kennecott Land is proposing to develop these lots within this model home area to begin to test how to create more livable and greener lanes in future development areas within Daybreak. The overall number of lots within the plat will be increased by six with the amendment.

STAFF FINDINGS & CONCLUSIONS:

Findings:

- All PC zone and Kennecott Master Subdivision requirements will be met regarding the plat.

Conclusions:

- The proposed amendment is very minor and is necessary to better accommodate future development of the lots.

FISCAL IMPACT:

- Since City services have already been planned to be extended to these lots, there will little further impact the City's budget.

ALTERNATIVES:

- Make no motion regarding the subdivision amendment.
- Schedule the application for a decision at some future date.

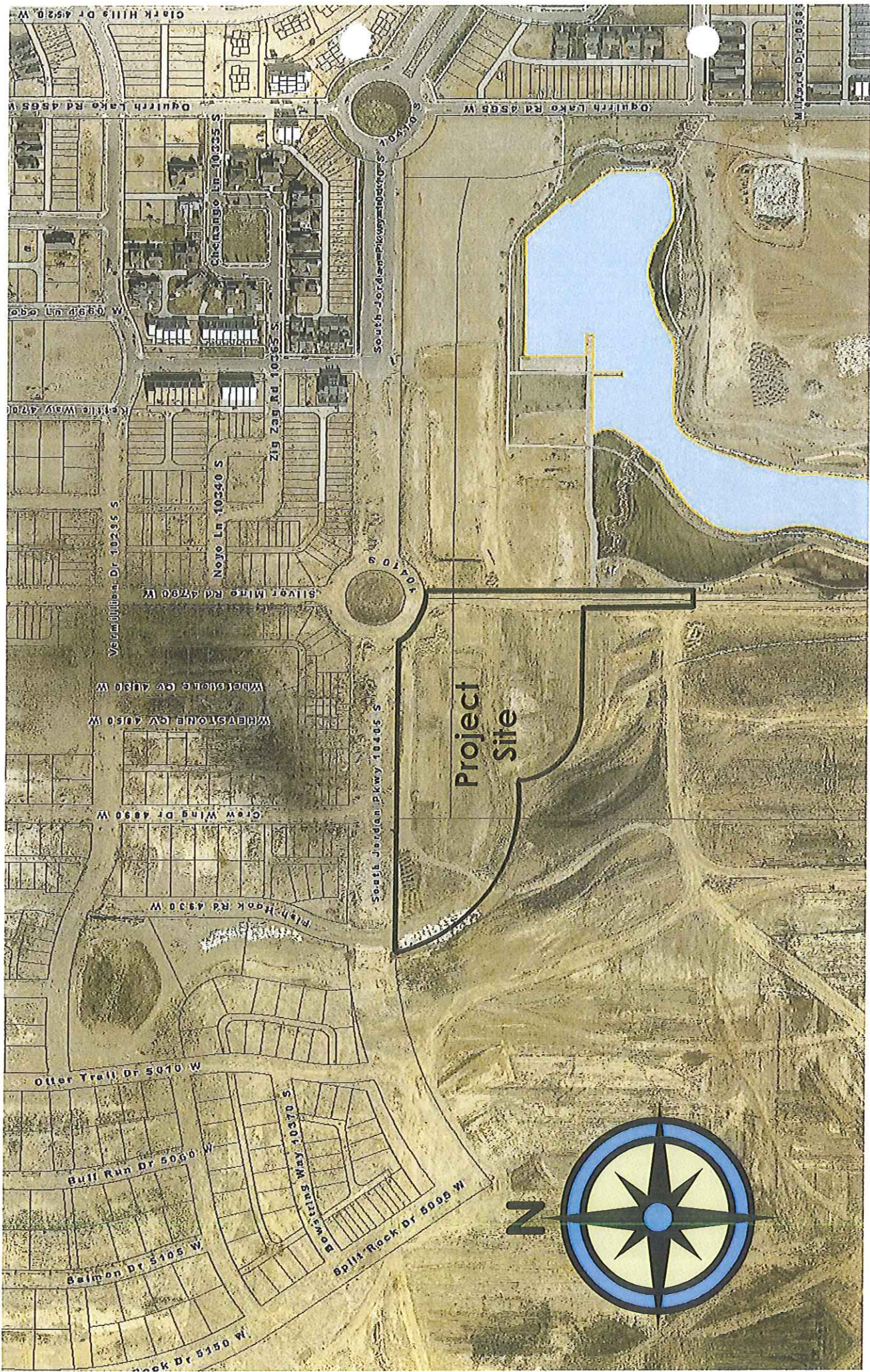
SUPPORT MATERIALS:

- Aerial Photo
- Location Map
- Subdivision Plat
- Rendering of Lane Development and Unit Scale

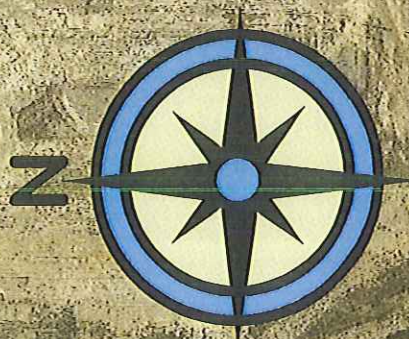
Approved as to Form:

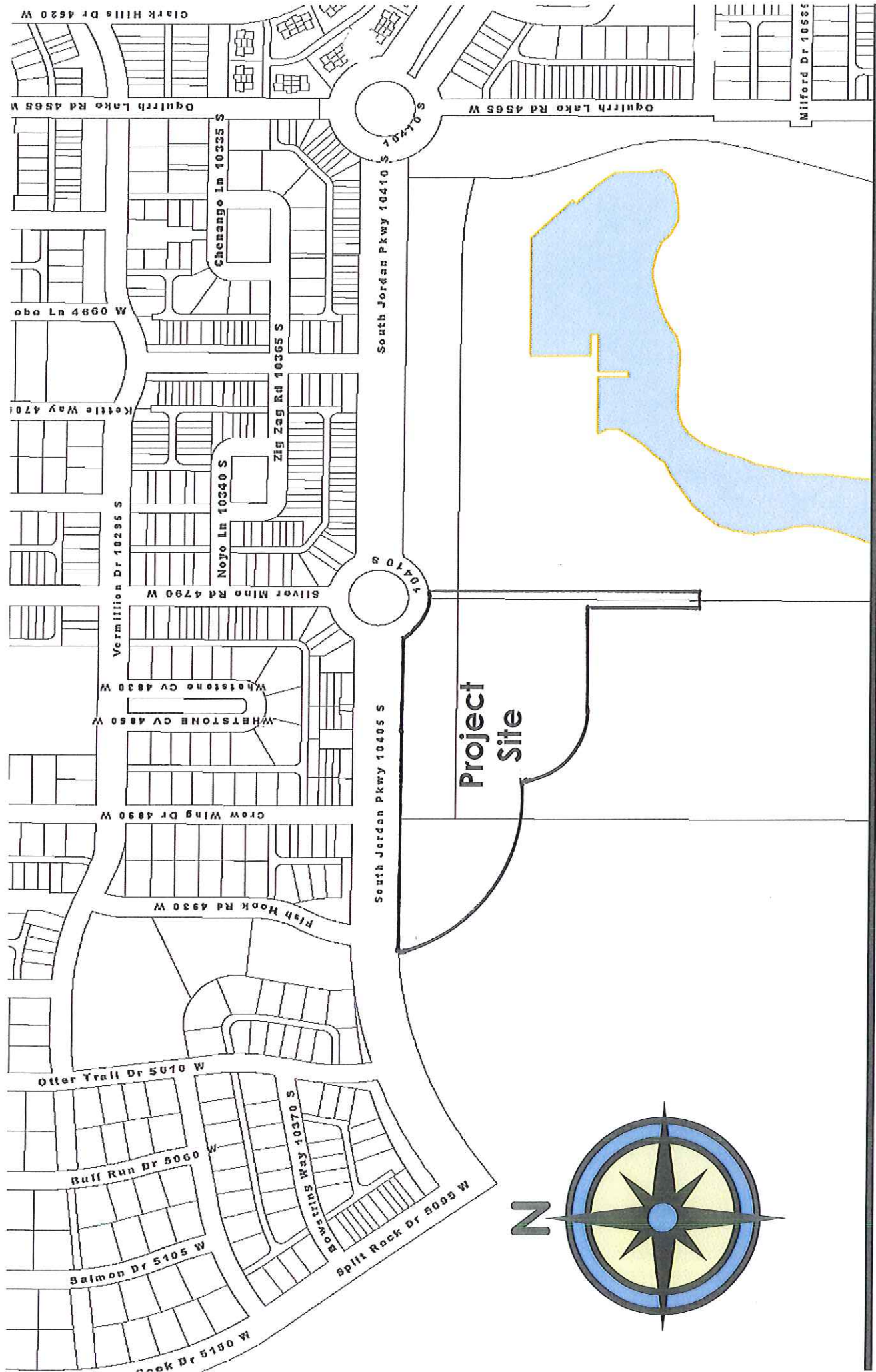


Ryan Loose, Assistant City Attorney

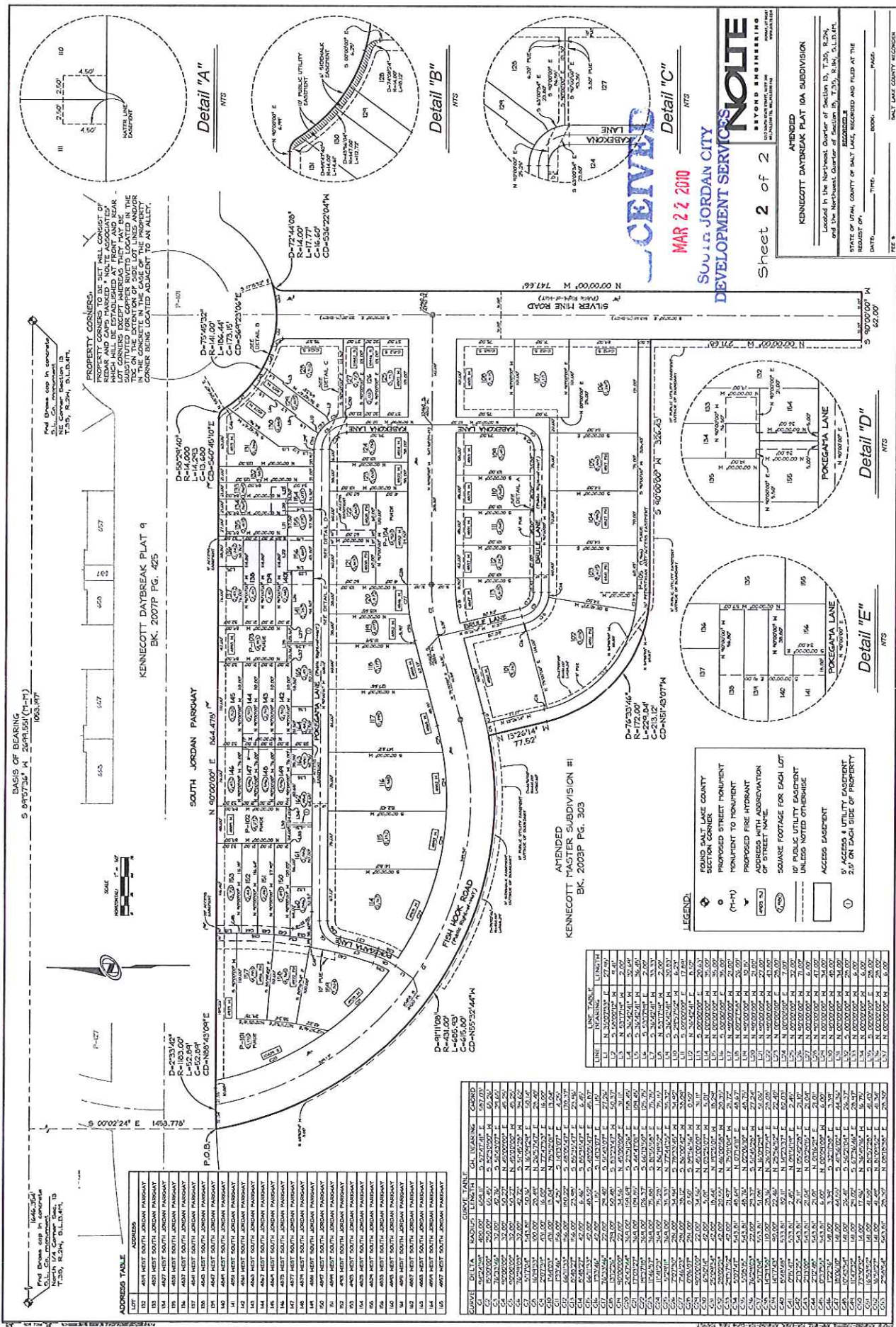


Project
Site



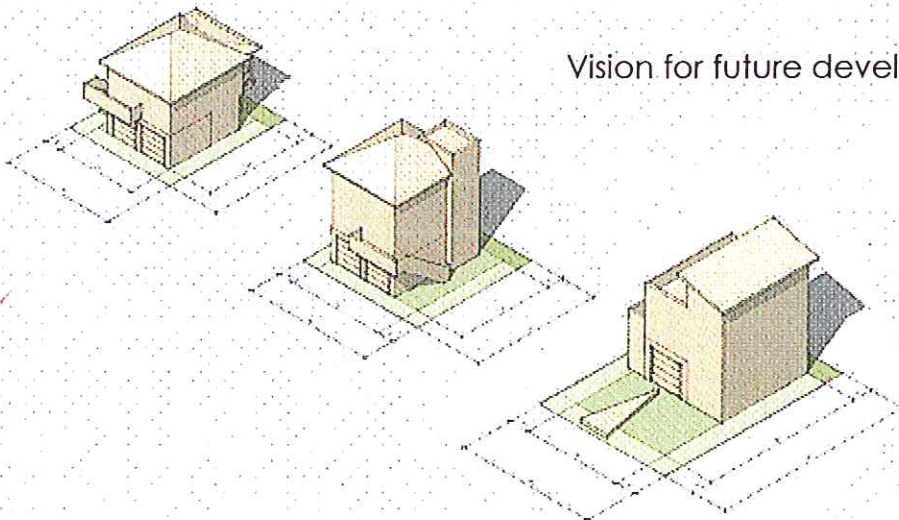


Location Map





Vision for future development of lanes.



Character and scale of unit types

SOUTH JORDAN CITY PLANNING COMMISSION REPORT Meeting Date: 04/27/10

Issue: PUBLIC HEARING, FILE NO. SUB-2010.16, PRELIMINARY CONDOMINIUM
MAP FOR DAYBREAK GARDEN PARK CONDOMINIUMS, LOCATED AT
11199 S. OAKMOND ROAD, ZONED PC, APPLICANT KENNECOTT LAND
COMPANY FOR IVORY DEVELOPMENT.

Submitted By: Greg Schindler, City Planner
Chris Clinger, Associate Engineer

Agenda Item No.

Staff Recommendation (Motion Ready): Approve File No. SUB-2010.16 with the
following:

1. That all South Jordan City requirements are met prior to final plat approval.
-

BACKGROUND

ADDRESS	11199 S. Oakmond Road
ACREAGE	0.5677 acre
CURRENT LU DESIGNATION	Large Scale Master Planned Community
CURRENT ZONING	PC
CURRENT USE	Vacant
NEIGHBORING LU DESIGNATIONS, (ZONING)/USES	North - Large Scale Master Planned Community (PC)/Open Space and Future Single Family Detached Homes, Garden Park Clubhouse and Pool South - Large Scale Master Planned Community(PC)/Future Townhomes and Single Family Detached Homes East - Large Scale Master Planned Community (PC)/Open Space West - Large Scale Master Planned Community (PC)/Vacant

Kennecott Land is proposing to divide 2 parcels (parcels K and L) that were excepted from the Daybreak Village 4A Multi Family No. 1 subdivision and reserved for future division and development. The parcels are to be divided into 10 condominium units and common area that will be constructed by Ivory Development. Phase 1 of the Garden Park Condominiums was approved by the Commission on December 8, 2009. Phase 1 is located a couple of blocks east of this site on Duckhorn Drive. Phase 2 has not yet been platted as condominiums.

Unit Summary

Number of Buildings	1
Number of Units	10 (5 on each of two floors)
Parking Spaces	20 garage spaces (each unit will have 2 tandem spaces)
Unit size	930 sq. ft. to 1,412 sq. ft. (1,144 sq. ft. average)

The building will have a stucco exterior, pitched roof and each unit will have a front or side facing patio (first floor) or balcony (second floor). The architecture of Phase 3 is nearly identical to that of Phase 1 except that the exterior trim color for this phase will be a red tone rather than black.

STAFF FINDINGS, CONCLUSIONS & RECOMMENDATIONS:

Findings:

- All PC zone and Kennecott Master Subdivision requirements are met regarding density, building coverage, landscape and open space, parking spaces and building materials.

Conclusions:

- Multi-family development of these parcels was anticipated with the original Village 4A Multi Family No. 1 Subdivision plat approval and recordation.

Recommendation:

- Based on the Findings and Conclusions listed above, Staff recommends that the Planning Commission take comments at the public hearing and approve the Preliminary Condominium Map subject to the conditions listed, unless, during the hearing, facts are presented that contradict these findings or new facts are presented, either of which would warrant further investigation by staff.

FISCAL IMPACT:

- Minimal. All public streets through the development have been installed. All other street and open space improvements are private and will be maintained by the home owners association.

ALTERNATIVES:

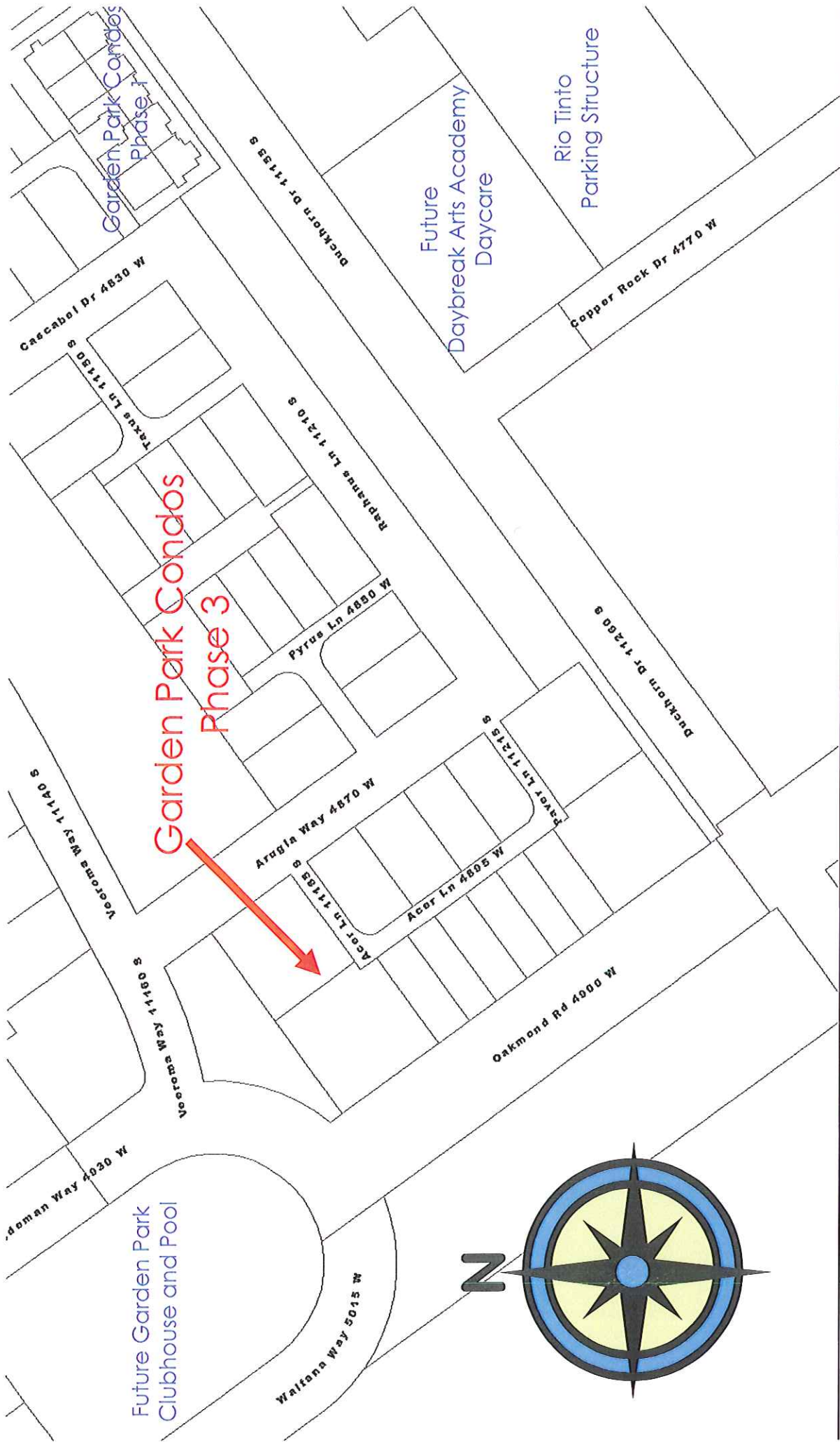
- Approve the preliminary condominium plat.
- Deny the preliminary condominium plat
- Schedule the application for a decision at some future date.

SUPPORT MATERIALS:

- Aerial Map
- Condominium Plat Map
- Elevation Drawings
- Landscape Plans

Approved as to Legal Form: _____

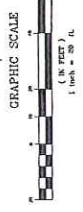
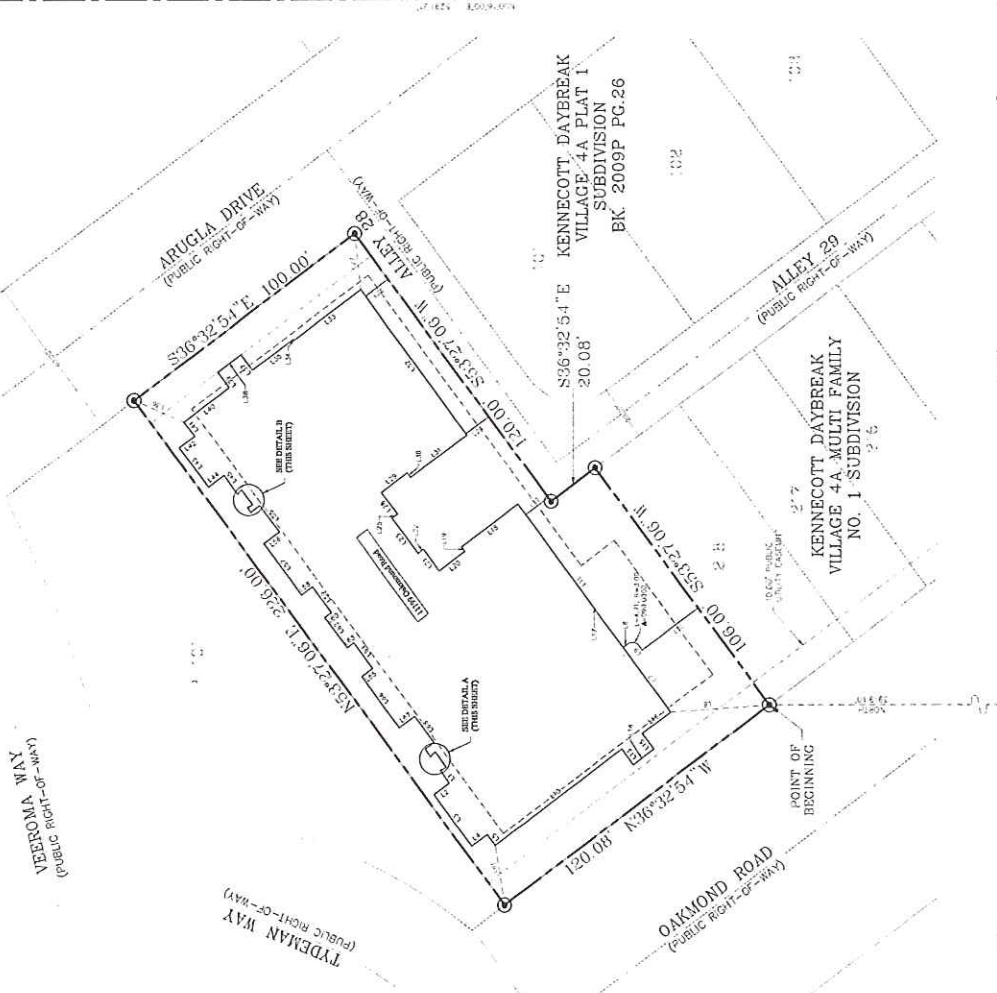

Ryan Loose, Assistant City Attorney



Location Map

• RECORD CORNER LOCATION
REAR AND ALUM CAP MARKED
LOWEST CORNER OF SECTION 24
S. 24 T. 35 R. 2 W. S. 10.0 AM

• SECTION CORNER NOT FOUND
LOCATION AS SHOWN ON KENNECOTT MAP
SUBDIVISION NO. 1 PLAT 1
AT P.C. 273 AND AS SHOWN ON THE
SURVEY FILED AS 2009-10-0676



LEGEND

- BOUNDARY LINE
- SECTION CORNER (SOUTH)
- SECTION CORNER (NORTH)
- PROPERTY CORNER
- SECTION CORNER (SOUTH)
- SECTION CORNER (NORTH)
- STREET LIGHT
- RAIL HIGHWAY
- RAILROAD
- UNITED COMMONS (SOUTH)
- COMMON OWNERSHIP
- PAVING
- NO TAILING
- PUBLIC UTILITY (SOUTH)
- PUBLIC UTILITY (NORTH)

• 2009-10-0676 AND 2009-10-0677
• 2009-10-0676 AND 2009-10-0677
• 2009-10-0676 AND 2009-10-0677

LINE TABLE	LINE TABLE	LINE TABLE
LINE #	LINE #	LINE #
1	2	3
4	5	6
7	8	9
10	11	12
13	14	15
16	17	18
19	20	21
22	23	24
25	26	27
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100	101	102



Sheet 02 of 5

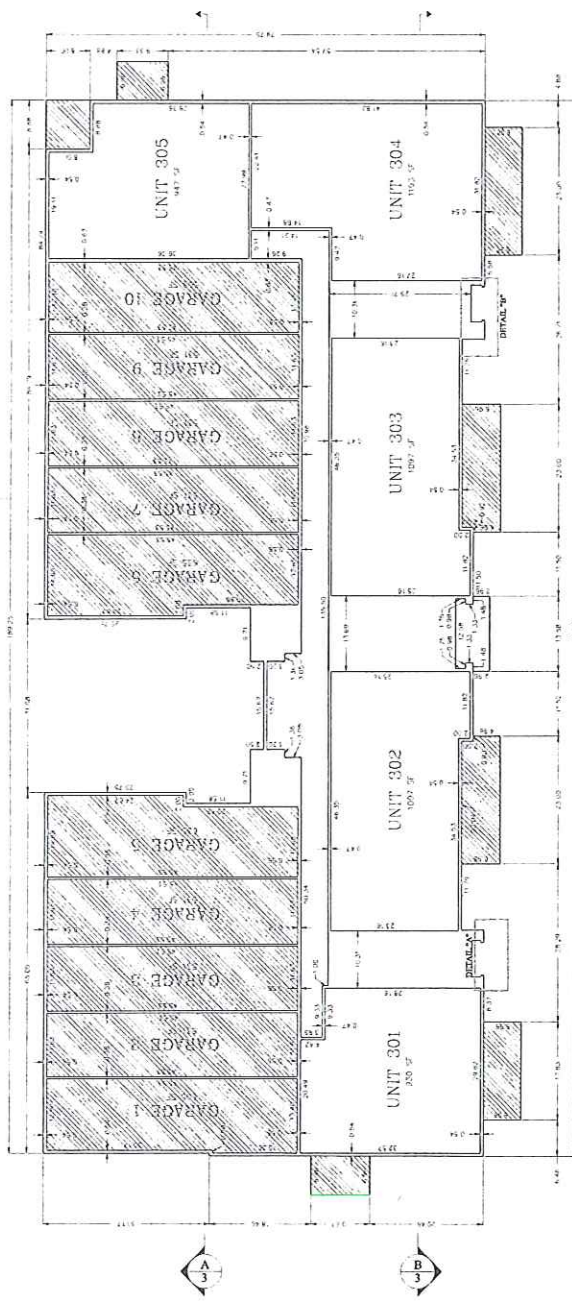
GARDEN PARK CONDOMINIUMS, PHASE 3
KENNECOTT DAYBREAK VILLAGE 4A MULTI-FAMILY NO. 1 SUBDIVISION

Located in the Northeast Quarter of Section 24, T. 35, R. 2 W.
SOUTH JORDAN CITY, SALT LAKE COUNTY, UTAH
RECORDED AS 2009-10-0676
REQUEST OF _____
DATE _____
PAGE _____
SALT LAKE COUNTY RECORDER

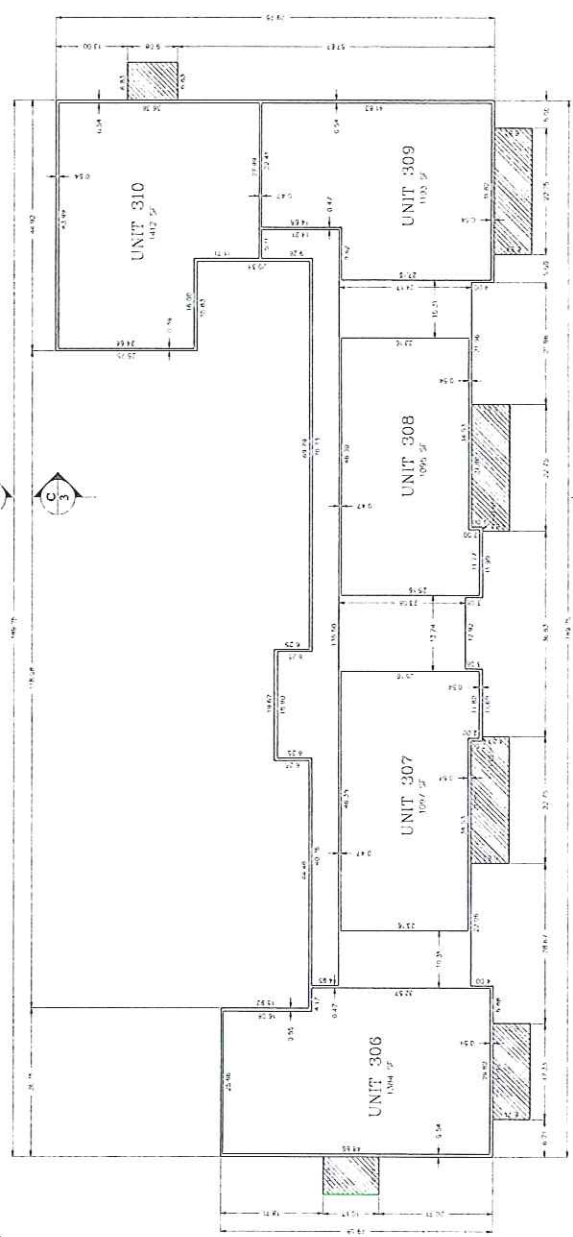
RECEIVED
MAR 25 2010
SOUTH JORDAN CITY
DEVELOPMENT SERVICE

• FOUND SECTION CORNER
NORTH QUARTER SEC. 24
S. 24 T. 35 R. 2 W. S. 10.0 AM

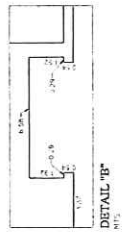
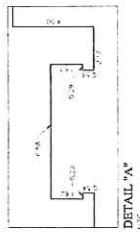




MAIN LEVEL
PLAN
1"=10'



UPPER LEVEL PLAN
1"=10'



FINISHED FLOOR ELEVATION = 481.00

LEGEND

- PRIVATE OFFICE
- UNIT COMMON, ENTRANCE
- COMMON OFFICE
- NO. HALLWAY

GARAGE ASSIGNMENTS

UNIT NO.	GARAGE NO.
301	1
302	4
303	5
304	7
305	10
306	2
307	3
308	6
309	8
310	9

RECEIVED

MAR 25 2010

SOUTH JORDAN CITY
DEVELOPMENT SERVICE

Sheet 03 of 5



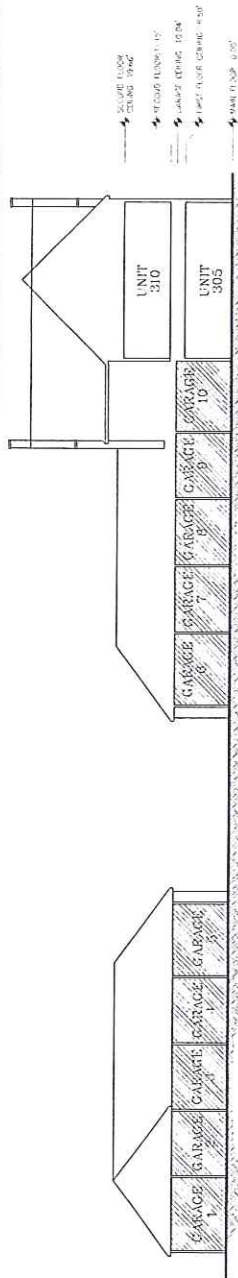
GARDEN PARK CONDOMINIUMS, PHASE 3
AMENDING JACOBI & KNOX
ENGINEERING AND ARCHITECTURE, INC.
KENDRICK/DAVEYBROOK, PHASE 3, SUBDIVISION

Located in the Northeast Quarter of Section 24, T.35N., R.29E.
Salt Lake County and Jordan

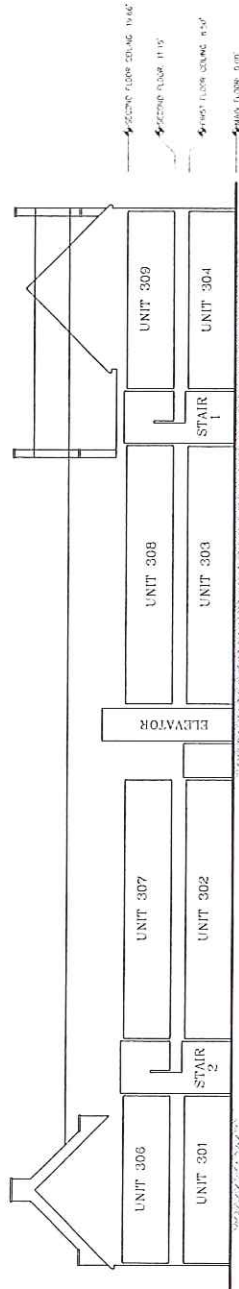
RECORDED IN
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE
PROJECT NO. _____ DATE _____ PAGE _____

FILE NO. _____

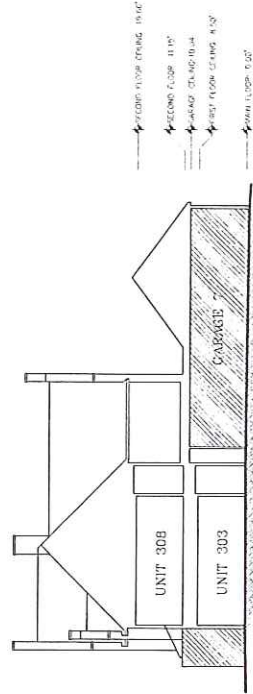




SECTION A



SECTION B



SECTION C

LEGEND
PRIVATE DEVELOPER
LARRY GORDON, OWNER/DEVELOPER
GARDEN, 2004 P204

FINISHED FLOOR ELEVATION = 4813.00

RECEIVED

MAR 25 2010
SOUTH JORDAN CITY
DEVELOPMENT SERVICES



Sheet 04 of 5

GARDEN PARK CONDOMINIUMS, PHASE 3
KINNECOTT DAYBREAK VILLAGE 446221 P&E NO. 1 SUBDIVISION

Located in the Northeast Quarter of Section 24, T.35, R.2N,
S.10E, Salt Lake County, Utah.

PROJECT OF
DATE
NAME
PHONE
PAGE

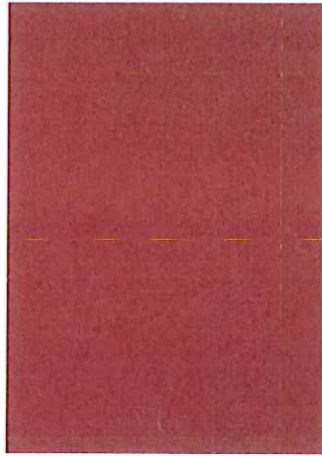
SALT LAKE COUNTY RECORDS





Type A

© 2009 URBAN DESIGN ASSOCIATES



8 0 8 16 40 FEET

BUILDING ELEVATIONS

IVORY HOMES ACTIVE ADULT ATTACHED | SOUTH JORDAN, UTAH

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DEVELOPMENT SERVICES



SCHEMATIC DESIGN
20 AUGUST 2009

URBAN DESIGN ASSOCIATES

Site plan for a residential development. The plan shows a large rectangular building complex with multiple units, surrounded by lawns, trees, and parking areas. The plan includes a legend on the left with symbols for trees, shrubs, and various plantings. The building is labeled "LAWN" and "B". The surrounding area includes "OAKLAND ROAD" and "TYDEMAN WAY". The plan is numbered 1 through 15, corresponding to the legend.

Legend:

- 1. Tree
- 2. Street Trees
- 3. Shrubs
- 4. Plantings
- 5. Plantings
- 6. Plantings
- 7. Plantings
- 8. Plantings
- 9. Plantings
- 10. Plantings
- 11. Plantings
- 12. Plantings
- 13. Plantings
- 14. Plantings
- 15. Plantings

Notes:

- 1. 10' Square easement for concrete pad. Typical.
- 2. 10' Square easement for concrete pad. Typical.
- 3. 10' Square easement for concrete pad. Typical.
- 4. 10' Square easement for concrete pad. Typical.
- 5. 10' Square easement for concrete pad. Typical.
- 6. 10' Square easement for concrete pad. Typical.
- 7. 10' Square easement for concrete pad. Typical.
- 8. 10' Square easement for concrete pad. Typical.
- 9. 10' Square easement for concrete pad. Typical.
- 10. 10' Square easement for concrete pad. Typical.
- 11. 10' Square easement for concrete pad. Typical.
- 12. 10' Square easement for concrete pad. Typical.
- 13. 10' Square easement for concrete pad. Typical.
- 14. 10' Square easement for concrete pad. Typical.
- 15. 10' Square easement for concrete pad. Typical.

[illegible]

- 1/2" water meter is existing for use in watering yard
- Use Rainbird or other equipment as approved by the Owner.
- Use pop-up spray heads to water lawn areas.
- Generally use drip irrigation to water all shrub beds.
- Use water groundcover beds.
- Valve lawn and shrub areas separately.

ARGLA WAY
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SOUTH JORDAN CITY
DEVELOPMENT SERVICE
NORTH
1st - 10th FLOOR

planting Plan

GARDEN PARK
CONDOMINIUMS
PHASE 3
DAYBREAK, SOUTH JORDAN, UTAH

IVORY HOMES
978 WOOD OAK LANE
SALT LAKE CITY, UTAH

R. MICHAEL KELLY
CONSULTANTS

LAND PLANNING • LANDSCAPE ARCHITECTURE
P.O. Box 1000, McJannet, UT 84056 435.429.9555

SOUTH JORDAN CITY CITY COUNCIL/PLANNING COMMISSION REPORT

Planning Commission Meeting Date: April 27, 2010

Council Meeting Date: May 04, 2010

Issue: Assignment of the Board of Adjustment/ Board of Appeals/Land Use Appeal Authority duties for Title 17, Land Use Ordinance, to the City Council.

Submitted By: Brian Preece/Ryan Loose

Departments: Management Services/Legal

First Reading Report Date: N/A

Staff Recommendation (Motion Ready):

PC: Recommend to the City Council the Adoption of Ordinance No. 2010-09

CC: Adoption of Ordinance No. 2010-09

BACKGROUND: As per request of the City Council, Staff has rewritten Section 17.16 et seq. to re assign the duties of the Board of Adjustment/Board of Appeals/ Land Use Appeal Authority to the Mayor and City Council.

Summary of Changes and Duties:

1. Board of Adjustment would consist to the Mayor and City Council;
2. City Council could, by resolution, reassign these duties to another body and could regain them back as well;
3. A quorum would require at least 4 members;
4. A majority vote of those in attendance (at lest 4 if all 6 in attendance) would be required to pass any motion;
5. Board of Adjustment would hear appeals to the interpretation of Title 17;
6. Board of Adjustment would hear request for variances to the requirements Title 17;
7. Board of Adjustment can extend a zone boundary up to fifty feet id said zone boundary bisects a single parcel of land.
8. Criteria for the grating of a variance have been updated to meet the requirements of State Code (see UCA 10-9a-701 et seq.);

For reference, the following exist in the definitions section of Title 17:

APPEAL AUTHORITY: The board of adjustment except where otherwise designated in this code.

LAND USE APPEAL AUTHORITY: The board of adjustment except where otherwise designated in this code.

TEAM FINDINGS, CONCLUSIONS & RECOMMENDATIONS:

FINDINGS: That Utah State Law allows the City Council to assign the Duties of the Land Use Appeal Authority/Board of Adjustment/ Board of Appeals to any person or body within the City as it deems in the best interest o the City.

CONCLUSIONS: That the Amendment to Title 17.16 meets the intention of the City Council and Utah State Law (10-9a Municipal Land Use, Development, and Management Act, particularly 10-9a 701-708).

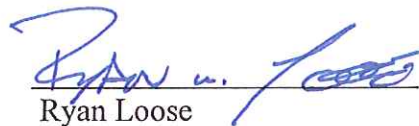
RECOMMENDATIONS: Passage of Ordinance 2010-09

FISCAL IMPACT: N/A

ALTERNATIVES: Approve as presented; Approve with amendments; or Do not approve.

SUPPORT MATERIALS: Ordinance 2010-07

Action Requested: _____
Brian Preece


Ryan Loose

ORDINANCE NO. 2010-0C

AN ORDINANCE AMENDING 17.16.020 OF THE SOUTH JORDAN MUNICIPAL CODE DESIGNATING THE CITY COUNCIL AS THE BOARD OF ADJUSTMENT AND MAKING TECHNICAL CHANGES.

WHEREAS, U.C.A. 10-9a-701 permits a city by ordinance to establish an appeal authority to hear and decide appeals from decisions on land use matters; and

WHEREAS, The City of South Jordan currently has in place a Board of Adjustment that hears and decides appeals on certain land use matters including appeals alleging error in decision, for special exceptions, and for a variance; and

WHEREAS, Section 17.16.020 of the South Jordan City Code designates the Board of Adjustment as the appeal authority for certain land use appeals; and

WHEREAS, applications to the Board of Adjustment have been infrequent and the Board meets only when an application is pending; and

WHEREAS, hearing and deciding appeals to the Board of Adjustment require regular training and familiarity with land use principals which are difficult to develop due to the infrequent applications and meetings; and

WHEREAS, the South Jordan City Council currently serves as the appeal authority for appeals on other land use matters, is familiar with land use principals, meets regularly in the performance of its duties and receives regular training; and

WHEREAS, the South Jordan City Council finds it to be in the best interest of the health, safety, and welfare of the residents of the City of South Jordan to repeal 17.16.020 and enact the proposed 17.16.020 of the South Jordan City code to make the City Counsel the appeal authority for land use issues;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, UTAH AS FOLLOWS:

SECTION 1. Amendment. Section 17.16.020 of the South Jordan Municipal Code is hereby amended as follows:

17.16.020: BOARD OF ADJUSTMENT: There is created in the city a Board of Adjustment (Board), which shall consist of the Mayor and City Council Members or other assigned body, as approved by resolution of the City Council. When convened, the Board shall act in a quasi-judicial capacity. five (5) regular members. The board of adjustment may also consist of any number of alternate members, any one of whom may serve the same as a regular member in the event that a regular member is absent from a meeting of the board for any reason.

~~A. Appointment And Removal~~

1. ~~The city council shall appoint all members of the board of adjustment, both regular and alternate, to staggered and specified terms by appropriate resolution.~~
2. ~~Any member of the board of adjustment may be removed for cause by resolution of the city council, but only after giving notice to such member, including notice of the grounds for removal, and affording such member an opportunity to be heard by the city council. Except as provided in this subsection, the term of office of any member of the board of adjustment may not be shortened.~~

A. Organization and Responsibilities of Board: When acting as the Board, the Mayor shall act as the Chairperson and shall have an equal vote. A quorum of the Board shall consist of at least four (4) members. The vote of the majority of those members in attendance, but no less than three (3) members, shall be required to pass any motion before the Board. The Board may adopt rules in accordance with the provisions of this title. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine in accordance with law. The Chairperson, or in his or her absence, the acting chairperson may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be kept open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations or other official actions; all of which shall be immediately filed with the Office of the City Recorder as a public record. All applicable statutory requirements for open meetings shall be followed.

~~B. Organization Of Board: The board of adjustment shall organize and elect a chairperson and adopt rules in accordance with the provisions of this title. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine in accordance with law. The chairperson or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be kept open to the public. The board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations or other official actions; all of which shall be immediately filed in the office of the city recorder and shall be a public record.~~

B. Powers of the Board of Adjustment: The Board shall have the following powers:

1. To hear and decide appeals to interpretations of this title where it is alleged that there is error in any order, requirement, decision, or determination made by the administering officer, South Jordan Planning Commission, or the Land Use Authority in the enforcement of this title or any ordinance adopted with regard thereto.
2. To authorize a variance to any person or entity desiring a waiver or modification of the requirements of this Title as applied to a parcel of property that he or she owns, leases, or in which he or she holds some other beneficial interest upon appeal by the owner for a variance from the terms of this Title.

a. The Board may grant a variance only if:

i. literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the land use ordinances;

ii. there are special circumstances attached to the property that do not generally apply to other properties in the same zone;

iii. granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;

iv. the variance will not substantially affect the general plan and will not be contrary to the public interest; and

v. the spirit of the land use ordinance is observed and substantial justice done.

b. Determination of hardship: In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection 2. a. i. above., the appeal authority may not find an unreasonable hardship unless the alleged hardship:

i. is located on or associated with the property for which the variance is sought; and

ii. comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

c. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under Subsection 2. a. , the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.

d. Determination of Special Circumstances: In determining whether or not there are special circumstances attached to the property under Subsection 2. a. ii., the appeal authority may find that special circumstances exist only if the special circumstances:

i. relate to the hardship complained of; and

ii. deprive the property of privileges granted to other properties in the same zone.

e. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

f. Variances run with the land.

g. The appeal authority may not grant a use variance.

h. In granting a variance, the Board may impose additional requirements on the applicant that will:

i. mitigate any harmful affects of the variance; or

ii. serve the purpose of the standard or requirement that is waived or modified.

3. Zone Boundaries Dividing Single Parcels: The Board may, in appropriate cases, after public notice and hearing, determine and vary the zone boundary dividing a single parcel of land. The board may permit the extension of a use allowed in a zone into a more restricted use zone immediately adjacent thereto where the zone boundary line divides a parcel in single ownership. Such use may extend to the entire parcel provided; that in no case shall the use be extended to more than fifty feet (50') beyond the boundary line of such zone in which such use is authorized.

C. Decision On Appeal: In exercising the powers of the Board in this Chapter, the Board, acting in its capacity as a quasi-judicial body, may in conformity with the provisions of this Title reverse or affirm, wholly or partially, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer or body from whom the appeal is taken.

D. Vote Necessary For Reversal: The majority vote of the Board shall be necessary to reverse any order, requirement or determination of any such administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

CE. Time to File Appeals To The Board: Appeals to the bBoard of adjustment of any decision made under this Title, may be taken by any person aggrieved or by any officer, department, board or bureau of the eCity affected by any decision of the administrative officer, South Jordan Planning Commission or the Land Use Authority. Such appeal may be taken within fourteen (14) days by filing, with the City Recorder, officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the bBoard of adjustment all papers constituting the record upon which the action appealed from was taken.

DE. Stay Of Proceedings Pending Appeal: An appeal stays all proceedings and furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the bBoard of adjustment after the notice of appeal is shall have been filed with him or her, that by reason of the facts stated in the certificate, the stay would in his or her opinion cause imminent peril to life and property. In such case, proceedings shall not be

stayed otherwise than by unless a restraining order, which may be granted by the bBoard of adjustment or by the district court on application and notice and on due cause shown, is granted.

EG. Notice Of Hearing On Appeal: The bBoard of adjustment shall fix a reasonable time for the hearing of the appeal, give notice thereof as well as due notice to the parties in interest, and shall decide the same within a reasonable time. Upon At the hearing, any party may appear in person or by agent or by attorney.

F. Powers Of Board On Appeal: The board of adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the administrative official in the enforcement of this title or any ordinance adopted with regard thereto.
2. To hear and decide requests for special exceptions to the terms of this title, upon which such board is authorized to pass.
3. To authorize upon appeal such variance from the terms of this title as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of such ordinances will result in unnecessary hardship, provided that the spirit of this title shall be observed and substantial justice done. Before any variance may be authorized, however, it must be shown that:
 - a. The variance will not substantially affect the comprehensive land use plan and that adherence to the strict letter of this title will cause difficulties and hardships, the imposition of which upon the petitioner is unnecessary to carry out the general purpose of the plan;
 - b. Special circumstances have attached to the property covered by the application which do not generally apply to the other property in the same district;
 - c. That because of said special circumstances, property covered by the application is deprived of privileges possessed by other properties in the same district; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district.

G. Decision On Appeal: In exercising the above mentioned powers, the board of adjustment may in conformity with the provisions of this title reverse or affirm, wholly or partially, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

H. Vote Necessary For Reversal: The concurring vote of three (3) members of the board shall be necessary to reverse any order, requirement or determination of any such administrative official, or to decide in favor of the appellant on any matter upon

which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

~~I. Variances To Official Map: In order to preserve the integrity of the official map, no building permit shall be issued for any building or structure, or part thereof, on any land located between the map lines of any street as shown on the official map. Any person aggrieved by his or her inability to obtain such a permit may appeal to the board of adjustment. The board of adjustment shall have the power, upon an appeal filed with it by the owner of any such land, to authorize the grant of a permit for a building or structure, or part thereof, within any mapped street location in any case in which the board of adjustment, upon the evidence, finds:~~

- ~~1. That the property of the appellants of which such mapped street location forms a part, will not yield a reasonable return to the owner unless such permit is granted; or~~
- ~~2. That, in balancing the interest of the city in preserving the integrity of the official map and interest of the owner in the use and benefits of the property, the grant of such permit is required by consideration of justice and equity. Before taking any such action, the board of adjustment shall hold a public hearing thereon. In the event that the board of adjustment decides to authorize a building permit, it shall have the power to specify the exact location, ground area, height and other details and conditions of extent and character and also the duration of the building, structure or part thereof to be permitted.~~

~~J. Special Permits: The board of adjustment may, in appropriate cases, after public notice and hearing, and subject to appropriate conditions and safeguards, determine and vary the application of the use of district regulations herein established in harmony with their general purpose and intent as follows:~~

- ~~1. Permit the extension of a use into a more restricted use, district or zone immediately adjacent thereto where the boundary line divides a lot in single ownership as shown of record at the time of passage of this chapter; such use may extend to the entire lot; provided, that in no case shall the use be extended to more than fifty feet (50') beyond the boundary line of such district in which such use is authorized.~~
- ~~2. Permit in a residential district a temporary building for commerce or industry which is incidental to the residential development, such permit to be issued for a period of not more than one year.~~

F. Standard of Appeal: Acting in its quasi-judicial capacity, an appeal before the Board shall be reviewed as follows:

1. the Board may, after reviewing the record of decision, summarily affirm the decision, or review the appeal application on a de novo basis.
2. in the event the Board decides to review the appeal application de novo, the Board shall follow the same procedure and evaluate the appeal application as set forth in this chapter.

~~K.G.~~ Judicial Review Of Board's Decision: The ~~e~~City or any person aggrieved by any decision of the ~~b~~Board of adjustment may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction; provided, petition for such relief is presented to the court within thirty (30) days after the filing of such decision with in the office of the City Recorder.

~~L.H.~~ Government Immunity: The members of the Board shall be deemed included in the definition of "employee" found in Utah Code Annotated section 63-30-2.

~~M.~~ Appeals: Notwithstanding the provisions herein, appeals made by any person aggrieved by any decision or ruling under title 15 of this code shall be made to the board of appeals as provided in chapter 15.16 of this code. (Ord. 2007-02, 1-16-2007)

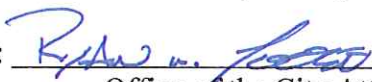
SECTION 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

SECTION 3. Effective Date. This Ordinance shall become effective immediately upon publication or posting as required by law.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SOUTH JORDAN CITY, STATE OF UTAH, ON THIS _____ DAY OF _____, 2010 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
Aleta A. Taylor	_____	_____	_____	_____
Larry Short	_____	_____	_____	_____
Kathie L. Johnson	_____	_____	_____	_____
Brian C. Butters	_____	_____	_____	_____
Leona Winger	_____	_____	_____	_____

Approved as to content: _____
City Manager

Legal Review: 
Office of the City Attorney

Mayor: _____
W. Kent Money

ATTEST: _____
City Recorder